

## **REMARKS**

In view of the following remarks, Applicant respectfully requests consideration and allowance of the subject application.

### **Claim Rejections**

#### **Rejections Under 35 U.S.C. §101**

Claims 9-16 were rejected under 35 U.S.C. §101. The specification has been amended herein to remove the language referencing intangible media.

#### **Rejections Under 35 U.S.C. §103**

Claims 1-26 were rejected under 35 U.S.C. §103(a) as being obvious anticipated U.S. Patent No. 5,946,681 to Shorter ("Shorter") in view of U.S. Patent No. 6,330,554 to Altschuler, et al. ("Altschuler"). Applicant traverses these rejections.

Initially, Applicant contends that the Action fails to establish a *prima facie* case of obviousness because the Action fails to make the necessary factual findings required under *Teleflex Inc. v. KSR Int'l, Co.* 550 U.S. \_\_\_, 82 USPQ 2d 1385 (2007), as interpreted by the Examination Guidelines for Determining Obviousness Under 35 U.S.C. §103 in View of the Supreme Court Decision in *KSR International Co. v. Teleflex Inc.*, published October 10, 2007. For example, the Action lacks any factual findings with regard to on the level of ordinary skill in the art.

Further, the Action includes substantive errors with respect to the factual findings used to reject the claims. For example, claim 1 is directed to a method for representing records, and recites:

- assigning a unique identifier to a record stored at a record collection site;
- entering the unique identifier in a hierarchical tree structure;
- and
- sending the hierarchical tree structure to a central storage site.

The Action asserts that Shorter discloses “assigning a unique identifier to a record stored at a record collection site,” and correctly concedes that Shorter fails to disclose or suggest the remaining limitations of the claim. To compensate for the deficiencies in the teachings of Shorter, the Action asserts that Altschuler teaches these limitations. Applicants disagree.

The Action cites column 20, lines 50-51 and Fig. 3A to support the assertion that Altschuler teaches “entering the unique identifier in a hierarchical tree structure.” Applicants disagree.

Column 20, lines 50-51 reads as follows:

Tabular, graph, or hierarchical (e.g., tree) structures can all be mapped to a graph.

Further, Fig. 3A is simply a diagram of exemplary processes which may be used to effect certain aspects of the invention described in Altschuler. Contrary to the assertion in the Action, nothing in Fig. 3A or the accompanying text, or in the text cited in column 20, lines 50-51 discloses (nor even suggests) entering the unique identifier in a hierarchical tree structure, as recited in claim 1.

The Action appears to cite column 14, lines 21-25 to support the assertion that Altschuler teaches “sending the hierarchical tree structure to a central storage site.” Applicants disagree.

Column 14, lines 21-25 reads as follows:

Recall from the description of FIG. 3A above, that the application(s) process(es) 310 may effect a computer application such as an Internet browser or a word processor for example. The application(s) process(es) 310 requests, retrieves, renders, updates, generates and/or invokes stored objects (or information) 312 in response to user inputs. The objects (or information) may be executable objects, database objects, renderable resources, etc. For example, if the application process 310 is a word processor, the stored objects 312 may be toolbar objects or menu objects for performing document editing and formatting functions, or a linear object of a stream of entered text. If the application process 310 is an Internet or Intranet browser, the stored objects 312 may be renderable resources such as hyper-text mark-up language (or "HTML") pages, joint photographic experts group (or "JPEG") encoded images, motion pictures experts group (or "MPEG") encoded video, encoded audio, etc., a structured objects of a hierarchy of an Internet web site, or a linear objects of an order of web sites visited by a user. Recall that each of the stored objects 312 should have an unique identifier, also referred to as an "object ID".

Contrary to the assertion in the Action, nothing in Fig. 3A or the accompanying text, or in the text cited in column 14, lines 21-25 discloses (nor even suggests) sending the hierarchical tree structure to a central storage site, as recited in claim 1.

In sum, the Action includes erroneous factual findings with respect to the scope and content of the prior art. Accordingly, the rejections are improper. Further, the combination of Shorter and Altschuler does not yield the invention recited in claim 1. Claims 2-8 depend ultimately from claim 1 and are allowable at least by virtue of this dependency.

Claim 9 was rejected on the same basis as claim 1. Applicant traverses the rejection of claim 9 based on the same argument applied to claim 1. Claims

11-16 depend ultimately from claim 9 and are allowable at least by virtue of this dependency.

Claim 21 was rejected on the same basis as claim 1. Applicant traverses the rejection of claim 21 based on the same argument applied to claim 1.

Claims 22-23 depend ultimately from claim 21 and are allowable at least by virtue of this dependency.

Claim 24 was rejected on the same basis as claim 1. Applicant traverses the rejection of claim 24 based on the same argument applied to claim 1.

Claims 25-26 depend ultimately from claim 24 and are allowable at least by virtue of this dependency.

Claim 17 is amended herein to recite limitations similar to those recited in claim 1.

## **CONCLUSION**

Applicant respectfully requests reconsideration and prompt issuance of the present application. Should any issue remain that prevents immediate issuance of the application, the Examiner is encouraged to contact the undersigned attorney to discuss the unresolved issue.

Respectfully Submitted,  
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